

# The quality of bilingual legal dictionaries

Citation for published version (APA):

de Groot, G. R. (2000). The quality of bilingual legal dictionaries. *Maastricht Journal of European and Comparative Law*, 331-335. <https://doi.org/10.1177/1023263X0000700401>

**Document status and date:**

Published: 01/01/2000

**DOI:**

[10.1177/1023263X0000700401](https://doi.org/10.1177/1023263X0000700401)

**Document Version:**

Publisher's PDF, also known as Version of record

**Please check the document version of this publication:**

- A submitted manuscript is the version of the article upon submission and before peer-review. There can be important differences between the submitted version and the official published version of record. People interested in the research are advised to contact the author for the final version of the publication, or visit the DOI to the publisher's website.
- The final author version and the galley proof are versions of the publication after peer review.
- The final published version features the final layout of the paper including the volume, issue and page numbers.

[Link to publication](#)

**General rights**

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

- Users may download and print one copy of any publication from the public portal for the purpose of private study or research.
- You may not further distribute the material or use it for any profit-making activity or commercial gain
- You may freely distribute the URL identifying the publication in the public portal.

If the publication is distributed under the terms of Article 25fa of the Dutch Copyright Act, indicated by the "Taverne" license above, please follow below link for the End User Agreement:

[www.umlib.nl/taverne-license](http://www.umlib.nl/taverne-license)

**Take down policy**

If you believe that this document breaches copyright please contact us at:

[repository@maastrichtuniversity.nl](mailto:repository@maastrichtuniversity.nl)

providing details and we will investigate your claim.

## The quality of bilingual legal dictionaries

As a consequence of the continued increase in transnational commercial and scholarly cooperation and exchange, legal information has to be ever more frequently translated. Sometimes the content of legal documents (contracts, statutory provisions, books and articles on legal topics and so on) has to be translated into another language. But even more often, information on rules from one legal system has to be provided in the legal language of another legal system. In both cases the translator or the lawyer involved is - in the narrow or respectively the wide sense - confronted with the difficulty of legal translation. In both cases bilingual legal dictionaries could play an important role in the translating process by providing translation suggestions and information on the linguistic context of terms in the target language (specific noun-verb combinations, typical collocations).

It is, therefore, not suprising to find that several bilingual legal dictionaries are offered to translators and lawyers by the publishing houses. There are approximately a hundred bilingual legal dictionaries available among the different languages of the Member States of the European Union.<sup>1</sup> Regrettably, the quality of most of these dictionaries is poor or even extremely bad. Only a few dictionaries are of a good quality.

It seems to me that the authors/compiler of most bilingual legal dictionaries do not realize how legal translations should be made. They simply make a list of legal terms in the source language and give, for each term, one or more words from the target language as 'translation' without providing any further information on the legal context. Because of the system-specificity of legal terminology this approach is practically useless.

In the first place one should realize that the system-specificity of legal language means that within a single language there is not one legal language as, for instance, there is a single medical, chemical or economic language. A language has as many legal

1. See the recent publication Gerard-René de Groot/Conrad J.P. van Laer, 'Juridische woordenboeken binnen de Europese Unie', *Juridische Bibliothecaris* (2000), 17-32. In this article all bilingual legal dictionaries among the languages of the Member States of the European Union which have been published 1975 are mentioned.

languages as there are systems using this language as a legal language. As a consequence, it is of primary importance to establish that one legal language must be translated into another legal language. This proposition may sound self-evident. It must therefore be stressed that, in practice, the translation process often involves translating from language to language, instead of from legal language to legal language. This approach is not correct. One should not translate from a legal language into the ordinary words of the target language, but into the legal terminology of the target language. If the target language is used in several legal systems as the language of the law, a conscious choice must be made in favour of the terminology of one of the possible target legal languages. One target language legal system must be chosen; that is to say, a single legal system which uses the target language as its legal language. The choice for a particular target language legal system should depend on the potential users of the translation. Subsequently, the information contained in the terminology of the source language legal system must be conveyed in the terminology of the target language legal system.

Once the translator has opted, where necessary, for a particular target language legal system, he or she can get to work. The meaning in the source language legal system of the terms to be translated must be studied, after which a term with the same content must be sought in the target language legal system. Translators of legal terminology are obliged to practice comparative law.

Through comparative law, the translator of legal terminology can find an equivalent in the target language legal system for the term of the source language legal system. This is easier said than done. Because of the system-specificity of legal terms, logically, full equivalence only occurs where the source language and the target language relate to the same legal system. Where the source and target language relate to different legal systems, equivalence is rare. Furthermore, one has to realize that different types of partial equivalents may exist. For instance, in the one legal system there may be a distinction which does not exist in the other.

If no acceptable equivalents in the target language legal system can be uncovered, subsidiary solutions must be sought. Basically, three subsidiary solutions may be identified:

- a) there will be no translation and the source term or its transcribed version is used. If needed, the term may be explained by adding information in parentheses or in a footnote in the form of a literal translation or a remark such as 'comparable to.....';
- b) a paraphrase is used to describe the source language term;
- c) a neologism is created, *i.e.* a term is used in the target language that does not form part of the terminology of the target language legal systems, if necessary, in combination with an explanatory footnote.

It would be possible to elaborate considerably on these subsidiary solutions, but this editorial is not the appropriate place to do that.<sup>2</sup>

It is obvious, that the approach to legal translation described above should have consequences for bilingual legal dictionaries. The following *desiderata* for reliable legal dictionaries can be formulated based on the previous considerations:<sup>3</sup>

- a) Bilingual legal dictionaries should be restricted to offering suggestions for translations based on legal areas, tying both source language terms and target language terms to a particular legal system. If this approach is not adhered to, the make-up of the dictionary becomes unclear and precludes easy and reliable consultation.
- b) The relation of the entries and their proposed translations to their respective legal system must be made explicit by offering references to relevant legal sources, linguistic context, and sometimes encyclopedic and bibliographic references, thus ensuring verifiability.
- c) Compilers of bilingual dictionaries should not present their proposed translations as 'standard' equivalents. Alternatives should be identified according to area of law, system and use.
- d) The dictionary should indicate the degree of equivalence: whether the translation suggestion is a full equivalent, the closest approximate equivalent (acceptable equivalent) or a partial equivalent.
- e) The absence of an equivalent term in the legal system(s) related to the target language should be mentioned expressly. In that case subsidiary solutions should be offered.
- f) Neologisms must be identified as such, so as to avoid these being used by those consulting the dictionary as terms belonging to the legal system related to the target language. Ideally, the suggestion for a particular neologism should be reasoned.
- g) The proposed translations must be reconsidered in the event of changes in either the legal system related to the source language or that related to the target language. In other words, legal dictionaries must be frequently reassessed and up-dated.

The compilation of a bilingual legal dictionary that makes a serious effort to comply with these *desiderata* is a great accomplishment, and should be regarded as academic work. As has been said earlier, very few legal dictionaries have thus far attempted to

2. See i.a. Gerard-René de Groot, 'Het vertalen van juridische informatie', Preadvies Nederlandse Vereniging voor Rechtsvergelijking Nr. 53, (Kluwer, 1996), 1-77; Gerard-René de Groot, 'Das Übersetzen juristischer Terminologie', in Gerard René de Groot/ Reiner Schulze (eds.), *Recht und Übersetzen*, (Nomos, 1999), 11-46; Gerard-René de Groot, 'La traduzione di informazioni giuridiche', *Ars Interpretandi (Annuario di ermeneutica giuridica)* (2000), 135-154.
3. Compare Gerard-René de Groot/Louise Rayar, 'Bilingual legal dictionaries: criteria for assesment', in *Translation and Meaning*, Part 3, Maastricht/Lódz (1995), 204-211.

meet these requirements. In my opinion only six of the approximately one hundred bilingual legal dictionaries among the languages of the Member States of the European Union can be classified as such:

R.J.B. Anderson, *Anglo-Scandinavian law dictionary of legal terms used in professional and commercial practice*, (Universitetsforlaget, 1977), 137 p.;

C.E. Dietl (*et al.*), *Wörterbuch für Recht, Wirtschaft und Politik mit erläuternden und rechtsvergleichenden Kommentaren. Vol. 1: English-Deutsch einschließlich der Besonderheiten des amerikanischen Sprachgebrauchs*, 6th edition, Beck, (München, 2000, ixiii + 942 p. and Vol. 2: *Deutsch-Englisch einschließlich der Besonderheiten des amerikanischen Sprachgebrauchs*, 4th edition, (Beck, 1992), xxii + 849 p.

F. de Franchis, *Dizionario giuridico, Vol. 1: Inglese-Italiano*, (Milano, 1984), xi + 1545 p. and Vol. 2: *Italiano-Inglese*, (Giuffrè, 1996), 1467 p.

G. Hesselning, *Juridisch woordenboek (Nederlands-Frans, met woordenlijst Frans-Nederlands) privaatrecht*, (M. Kluwer, 1978) xxii + 513 p. (it has to be stressed that the translation suggestions in this good dictionary are partly outdated, because of important changes in both the French and the Dutch civil (including procedural, law)).

Internationales Institut für Rechts- und Verwaltungssprache, *Vol. Zivilprozeßrecht, Deutsch-Französisch*, (Heymann, 1982), 108 p.; *Vol. Strafprozeß, Deutsch-Französisch*, (Heymann, 1985), 150 p.; *Vol. Verwaltungsrecht und Verwaltungsprozeßrecht, Deutsch-Französisch*, (Heymann, 1985), 107 p. (Regretably this 'Institut', which had its seat in Berlin, disappeared, obviously together with the Berlin Wall).

And last, but certainly not least, the excellent dictionary of M.C. Oosterveld-Egas Repáraz and J.B. Vuyk-Bosdriesz (eds.), *Juridisch woordenboek Nederlands-Spaans. (Diccionario jurídico neerlandès-español), met register Spaans-Nederlands*, (Maklu, 1990), xxxi + 371 p., has to be mentioned.

Of course, even these dictionaries could be improved and their authors could still learn from each other, but they are really outstanding in comparison with other publications. Their example should be followed by the compilers of other dictionaries and achieving their quality should be the aim of publishing houses.

The majority of the other dictionaries fail to offer much more than glossaries containing unsubstantiated translations. They only contain non-motivated lists with translation suggestions. These dictionaries have exclusively some use as a starting point for one's own investigations to discover an equivalent term in the target legal system vocabulary, an appropriate description of the source term in the target system terminology or an informative neologism.

It has to be stressed that it is not difficult to make a black list of really bad, dangerous bilingual legal dictionaries.

From the foregoing it will be clear that because complete equivalence between terms of the source and the target legal system is rare, source terms and their proposed translations are very often not suited for reverse use. Reversing the functions of source terms and their partial equivalents, descriptions or neologisms will create false translation suggestions. Nevertheless there are some bilingual and multilingual dictionaries where (at least a part of) the translation suggestions and source terms are reversed in order to create a list of translation suggestions for the original target language terms into original source language terms. This is a deadly sin for compilers of bilingual legal dictionaries. The result is that the new lists are very dangerous to use. It is almost funny that the new lists contain words which are not used at all as legal terms in the legal system involved, because they started their life in the dictionary as neologisms for terms of the original source language in the original target language. Dictionaries where I discovered examples of this kind of ridiculous reversion are:

J.R. Cano Rico, *Diccionario de derecho, Español-Inglés-Francés*, (Tecnos, 1994), 423 p.;

E. Lindbergh, *International law dictionary*, (Kluwer Law and Taxation Publishers, 1993), viii + 439 p. = *Internationales Rechtswörterbuch 1993*, (Luchterhand, 1993), viii + 439 p.

G. Parsenow, *Fachwörterbuch für Recht und Wirtschaft, Schwedisch-Deutsch/Deutsch-Schwedisch*, 2nd edition, (Heymann, 1985), xvi + 500 p.

M.A.A. van Capelle/H.G. Punt, *Internationale vaktermenlijst voor juristen, fiscalisten, accountants, bankwezen, handel en industrie*, (Gouda Quint, 1989), 599 p.

These are candidates for a black list of bad legal dictionaries.

More important, of course, is to raise the question how the quality of legal dictionaries could be improved. First of all it is important to regard the compilation of good legal dictionaries as academic work. Secondly the publication of good legal dictionaries should be stimulated with financial support: in this respect the European Union could play an important role in encouraging the improvement of the quality of bilingual legal dictionaries among the legal languages of the Member States. And last but not least: bad dictionaries should not be bought.

Gerard-René de Groot.